



DATE:	June 28, 2016
APPROVED BY:	David J. Radachy, Secretary

## **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

### **May 3, 2016 (April Meeting)**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Secretary Radachy called the meeting to order at 5:33 p.m.

#### **ROLL CALL**

The following members were present: Messrs. Brotzman, Graham (Alt. for Adams), Martin (Alt. for Troy), Schaedlich, Siegel, Terriaco (Alt. for Morse), Valentic, Zondag, and Mmes. Hausch and Pesec (Alt. for Moran). Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Ms. Jordan, Mr. Radachy, and Ms. Truesdell.

#### **MINUTES**

Mr. Schaedlich and Mr. Brotzman noted changes to the minutes as submitted.

Mr. Schaedlich moved and Ms. Hausch seconded the motion to approve the March 2016 minutes with changes.

Eight voted "Aye".  
Two abstained.

#### **FINANCIAL REPORT**

Mr. Radachy stated that the department received the first payment of \$73,500 for the Plan4Health Grant. Expenses from travel to New Orleans and hours spent by the Geographic Information Systems Department on technical work will be paid out of that money.

Mr. Schaedlich moved and Mr. Graham seconded the motion to accept the March 2016 Financial Report, as submitted.

Nine voted "Aye".  
One abstained.

## PUBLIC COMMENT

There was no comment from the public.

## LEGAL REPORT

Ms. Germano said there was no legal report.

## DIRECTOR'S REPORT

Mr. Radachy reported on the following items:

- From April 25<sup>th</sup> to April 27<sup>th</sup>, Mr. Radachy and Ms. Jordan attended the National Implementation and Dissemination for Chronic Disease Prevention Workshop in New Orleans. They were informed that they would receive an additional 25% of their current funding for the Plan4Health Grant, increasing the total grant allocation to \$187,500. In June, there will be an additional conference in Baltimore paid for by the Centers for Disease Control and Prevention ("CDC").
- Staff is still assisting Fairport Harbor Village and Ashtabula County with zoning and planning needs. Ashtabula usually requires about 4 to 8 hours a month.
- Staff is in the process of collaborating with a consultant for the Lake County Retail Trade Study Update. The study will be completed within the next few months.

## ANNOUNCEMENTS

Mr. Radachy stated that there were two announcements:

- "Bridges Out of Poverty" is a simulation and discussion workshop reflecting the experience of poverty, with local solutions, to assist the disadvantaged. It will be presented on May 17<sup>th</sup>, 2016.
- The Northeastern Ohio Planning & Zoning Workshop will be held on Friday, June 10<sup>th</sup>, 2016 at the Lake Metroparks Environmental Learning Center in Concord Township.

## SUBDIVISION REVIEW

### Leroy Township - Stein Farms (Phases 1-4) Final Plat Extension

Mr. Radachy stated that the Stein Farms Final Plat Extension was on the table from the last meeting. At the March 25<sup>th</sup>, 2014 meeting, the Final Plat of Stein Farms, Phases 1, 2, 3, and 4, received approval. This approval would have expired on March 31<sup>st</sup>, 2016. David W. Novak, Engineer for the proposed subdivision, requested a one-year extension. It was tabled at the March 2016 Planning Commission meeting. Mr. Radachy asked that it continue to be tabled because staff received verbal comment from Leroy Township that they were against the

extension, but a letter was not submitted by the Township. The Subdivision's representative was not present to comment. The Planning Commission stated that they would prefer to wait until the representative can be present to represent the Subdivision. It was stated that if the Planning Commission were to decide to not take it off the table then no action would need to be taken.

Members agreed to continue to table Stein Farms, Phases 1, 2, 3, and 4.

#### Concord Township - Orchard Springs Phase 2, Final Plat Extension

Ms. Jordan said the developer of Orchard Springs, Phase 2, is Ralph Victor Construction and the Engineer is Barrington Consulting Group, Inc. The Subdivision is located at the end of Orchard Road, off Colburn Road, with 26 lots on 23.86 acres. A previous extension was granted in April of 2015. The Plat is currently being reviewed by the County Prosecutor. Staff recommended to extend the Plat for one year.

Ms. Jordan said there are issues with filing the maintenance bond.

Mr. Radachy stated that there were issues with the sanitary sewer, as it was three inches below the minimum grade on one of the sewer lines. The Developer was required to post a bond because of this problem. It took additional time for the Utilities Department to accept the sanitary sewer with the additional bond. This week, Mr. Radachy received a letter from Utilities to put the Subdivision into maintenance, but he has not received the bond. Different portions of the Plat have gone back and forth to the Prosecutor. Staff is correcting some issues with the Plat.

Ms. Pesec asked if the sanitary sewer, even though it is too low, will pose a problem over time.

Mr. Radachy stated that this is why a bond is required. The agreement between the Developer and Utilities is that, after houses are built around the cul-de-sac, Utilities will check the sanitary sewer to ensure that it is operating properly. If it is not working, then they will relay the sewer correctly.

Mr. Zondag asked if the issue is that it is not going to work or is it that there is a question if it is going to work.

Mr. Radachy stated that there is just a question as to whether or not it will work properly. Since the Developer used a plastic pipe, there is less viscosity. The standard is for a clay pipe, but they want to make sure it is correct. There is concrete over the top of it now.

Mr. Radachy said the bond would be in place until all of the houses are built.

Mr. Martin moved and Mr. Schaedlich seconded the motion to accept the recommendation of staff to approve the Final Plat Extension for Orchard Springs, Phase 2, in Concord Township for one year.

All voted "Aye".

Mr. Zondag asked if there was enough money in that maintenance bond to correct any issues, if something were to go wrong.

Mr. Radachy stated that an amount was agreed upon that would include opening the road, digging, putting in a new pipe, replacing dirt, and repairing the road.

## LAND USE AND ZONING REVIEW

### Painesville Township Zoning District Amendment - FPUD Modification to Preliminary Plan of Lake Terrace Estates, Phases 4 and 5

Ms. Jordan said that the applicant is proposing amendments to the Preliminary Plan of Lake Terrace Estates, which was approved in 2000. The connection of the northerly ends of Lake Terrace Drive and Beachfront Drive, both currently temporary cul-de-sacs, was proposed in the original Preliminary Plan. It is being proposed that, rather than connecting these streets, that the temporary cul-de-sacs be constructed as permanent cul-de-sacs, which allow the cul-de-sacs to meet Lake County Subdivision Regulations and allow Painesville Township ownership of the newly created right-of-ways. In addition, it is being proposed that the length of the road leading to the cul-de-sac located on Beachfront Drive be extended.

Ms. Jordan presented the Preliminary Plan from 2000 and compared it to the 2016 proposal.

The proposed amendments will eliminate the proposed connection between Lake Terrace Drive and Beachfront Drive. This proposal entails a reduction in the density of sublots from 64 sublots to 61 sublots.

There is no relevance to the Painesville Township Comprehensive Plan.

## STAFF COMMENTS

1. The proposed sublots and subdivision layout meet the requirements of the Painesville Township Zoning Resolution and Lake County Subdivision Regulations. The revised Preliminary Plan will need to be approved by the Lake County Planning Commission.
2. The Coastal Erosion Area, as determined by the Ohio Department of Natural Resources, is located within close proximity of this development. Proposed sublots for the amended Preliminary Plan may be eliminated upon agency review of this Subdivision.
3. The Wetlands Potential Map, created by Lake County Soil & Water Conservation District, indicates that there is a high potential for wetlands on the site. Upon completion of the wetland delineation, additional sublots may be eliminated from the Preliminary Plan.
4. The proposed cul-de-sac of Beachfront Drive will place lots in similar locations as proposed by the original 2000 Preliminary Plan.

## RECOMMENDATIONS

1. The Lake County Subdivision Regulations state: "The subplot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development." (Article IV, Section 7(A)(1)). Due to the high wetland potential and location of the Coastal Erosion Area, it is recommended that the number of sublots be reduced and that the length of the Beachfront Drive cul-de-sac be reduced.

Ms. Jordan said that there is a potential wetlands area identified on the site, but an official wetlands delineation has not yet been received. The 30-year mark is indicated on the official map created by the Ohio Department of Natural Resources. After Staff discussed this issue with the Engineer and Developer, it was recommended that they reduce the number of sublots and the length of Beach Front Drive.

Mr. Schaedlich asked about the parcel between the cul-de-sac and the lake.

Ms. Jordan said that area is considered open space.

Mr. Zondag asked if some of those lots were in the coastal erosion area.

Ms. Jordan said yes. There are two big issues: the potential wetlands and the coastal erosion area. This has been discussed in great detail with Western Reserve Community Development Corporation ("WRCDC"). It is likely that they will be on board with any decision the Planning Commission will make. They are currently waiting for the wetlands delineation to be completed. The proposed cul-de-sacs and sublots are located within close proximity to the Coastal Erosion Area and a large quantity of wetlands have been identified on the site.

Mr. Brotzman asked about mitigation and Mr. Martin stated that mitigation is too costly. WRCDC will not take mitigation into consideration. Unless a jurisdictional determination is being made, avoidance would be the rule.

Mr. Radachy commented that staff's recommendation is to reduce the length of the Beachfront Drive cul-de-sac and leave Lake Terrace in place and reduce the number of sublots.

Mr. Zondag moved and Mr. Graham seconded the motion to accept the recommendation of the Land Use and Zoning Committee, and to include the recommendation made by the Planning Commission to reduce the number of sublots and length of Beachfront Drive.

All voted "Aye".

## Madison Township Zoning Text Amendment – Removing the Riparian Setback Guidance Map and Section 123.5.3.6

Ms. Jordan stated that Madison Township is proposing to remove Section 123.5.3.6 in its entirety. These are regulations in place for wetland setbacks. The Township is also proposing to remove the Riparian Setback Guidance Maps.

Staff provided the following comments for the zoning text amendment:

1. The current Riparian Setback Guidance Map contained within the Zoning Resolution is inaccurate. In addition, streams can be rerouted and wetlands can be mitigated so the map may need to be changed over time. The map is considered an exhibit and the Regulations state that it may be updated as necessary. If referenced in the Regulations, it will not require a public hearing when changes to the map are proposed.
2. Wetlands along streams are still being regulated by Sections 123.5.3.4 and 123.5.3.5.
3. 123.5.3.6 regulates isolated wetlands that are not located alongside a watercourse.

Ms. Jordan said staff recommended approval with the following modifications:

1. Update or replace the current Riparian Setback Guidance Map (Exhibit A). In the future, it can be changed without a public hearing.
2. Remove language for isolated wetlands (wetlands that are not an extension of a watercourse).
3. Consult with the Lake County Soil and Water Conservation District to establish updated regulations for applying wetland setbacks to wetlands to be adopted in this Section, as well as the protocol for determining the presence of wetlands.

Ms. Pesec asked what they should consult about and what should be the outcome.

Ms. Jordan said they should determine, from evaluation by Lake County Soil and Water Conservation District ("LCSWCD"), what the impact may be if this language were to be removed. The Township stated that they would prefer to rely on the Army Corps for the regulation of wetland setbacks. The Township was unaware that this language existed to regulate isolated wetlands.

Ms. Pesec asked if there would be a stronger way of saying this instead of using the term "consult".

Mr. Schaedlich suggested "shall consult" because it is more imperative.

Mr. Radachy said they will leave the regulation of the wetlands to another authority. Some of the townships have wetland setback guidelines.

Mr. Schaedlich said we are asking the Township to consult with LCSWCD.

Ms. Jordan stated that we are asking them to take two steps. We are recommending that they consult with LCSWCD and we are recommending that they establish updated and improved regulations, as well as a protocol for determining wetlands. There is the potential for Madison Township to consult with other Townships to rewrite them.

Ms. Pesec said it is imperative that any recommendations made are strongly worded so they understand that they need to preserve the setbacks that they have.

Ms. Jordan stated that the following recommendation may address this issue better: "Rather than removing Section 123.5.3.6, consult with the Lake County Soil and Water Conservation District to establish up-to-date regulations for prime wetland setbacks, wetlands, to be adopted in this section as well as the protocol for determining the presence of wetlands."

Mr. Brotzman said he thought there was a contentious issue involving Georgetown moving into a wetlands setback. They had a delineated setback and they permitted the developer to build within the buffer.

Ms. Jordan said the first recommendation is to "Update and replace the current riparian setback guidance map, Exhibit A. In the future, it can be changed without a public hearing.

Mr. Zondag asked what are you going to be replaced without a public hearing? A map? So, the updated map will be replaced?

Ms. Jordan said, yes, the first point is just about the map.

Mr. Radachy said we have the ability to make changes on the map, along with the Lake County Geographic Information Systems department. LCSWCD has been very proactive in assisting communities to establish wetland setbacks and riparian setbacks and they have a model that they recommend for establishing such setbacks.

Mr. Schaedlich said that at least we are on record that it is stated in our recommendations.

Ms. Jordan finished rereading the second point. "Rather than removing Section 123.5.3.6, consult with Lake County Soil and Water Conservation District to establish up-to-date regulations for prime wetland setbacks, wetlands, to be adopted in this section as well as the protocol for determining the presence of wetlands."

Mr. Siegel asked for a motion.

Mr. Graham moved and Ms. Pesec seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommend approval of the proposed amendments, removing the Riparian Setback Guidance Map and Section 123.5.3.6.

All voted "Aye".

## REPORTS OF SPECIAL COMMITTEES

There were no special committee meetings.

## CORRESPONDENCE

There was no correspondence.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

There was no new business.

#### PUBLIC COMMENT

There were no comments from the public.

#### ADJOURNMENT

Mr. Martin moved and Mr. Graham seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:23 p.m.